

18334 U.S. PTO
60/15/03

19704 U.S. PTO
10/661509
09/15/03

REQUEST FORM FOR APPLICATION UNDER 37 CFR 1.53(b)

DOCKET NUMBER: 52292-053

Prior Application:

Art Unit: To be assigned
Examiner: To be assigned

NEW APPLICATIONS

FEE

Mail Stop NEW APPLICATIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a Request for filing a Continuation application under 37 CFR 1.53(b) of pending prior application Serial No. 10/237,070, filed on September 9, 2002, entitled **CONTROL, SOUND, AND OPERATING SYSTEM FOR MODEL TRAINS**, by the following named inventors: Michael Paul WOLF, David L. KREBIEHL, Forrest S. SEITZ and Stanley K. SASAKI.

1. I hereby state that the enclosed application contains no new matter.
2. Oath or Declaration
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 CFR 1.63(d))
 - i. Deletion of inventor(s)
Copy of signed statement attached deleting inventor named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b), originally filed in parent application Serial No. 10/237,070 on April 21, 2003.
3. Incorporation By Reference (useable if Box 2b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 2b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
4. Preliminary Amendment is enclosed.
5. An Information Disclosure Statement and PTO1449 Form are submitted herewith.
6. Cancel claims 2-91.

7. The filing fee is calculated on the basis of the claims existing in the prior application as amended at 4 and 6 above:

	NO. OF CLAIMS		EXTRA CLAIMS	RATE	AMOUNT
Total Claims	1	-20	0	\$18.00 =	\$0.00
Independent Claims	1	-3	0	\$84.00 =	\$0.00
Basic Application Fee					\$750.00
If multiple dependent claims are presented, add \$0.00					\$0.00
Total Application Fee					\$750.00
Subtract ½ if small entity					\$375.00
TOTAL APPLICATION FEE DUE					\$375.00
AMOUNT TO BE CHARGED TO DEPOSIT ACCOUNT NO. 500417					\$375.00

7a. Enclosed is a Verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27.

7b. A verified Statement to establish small entity status under 37 CFR 1.9 and 37 CFR 1.27 was filed in prior application and such status is still proper and desired.

8a. **PLEASE CHARGE DEPOSIT ACCOUNT 500417 in the amount of \$ 375.00**

8b. The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required, including any extension of time fees to maintain the pendency of the parent application Serial No. 10/237,070 or credit any overpayment to Deposit Account No. 500417.

9. Amend the specification by inserting before the first line the sentence:
--This application is a continuation of Application Serial No. 10/237,070, filed September 9, 2002 which is a divisional of Application Serial No. 09/731,048, filed December 7, 2000, now US Patent No. 6,457,681.-

10. Priority of Application Serial No. filed on , in is claimed under 35 USC 119. The certified priority document(s) were filed in Serial No. [case_serial_number] on .

11. The prior application is assigned of record to

MIKE'S TRAIN HOUSE, INC.
Columbia, MD

12. The power of attorney in the prior application is to:

McDermott, Will & Emery

13. Also enclosed:

24 Pages of Drawings – Replacement Sheets

14. A petition, fee and response has been filed to extend the term in the pending prior application until .

Address all future communications to: (May only be completed by applicant, or attorney or agent of record)

McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

Respectfully submitted,

MCDERMOTT, WILL & EMERY



Ramyar M. Farid
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Date: September 15, 2003

CUSTOMER NO. 20277

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Michael WOLF et al.

Serial No.: 10/237,070

Group Art Unit: 3617

Filed: September 9, 2002

Examiner: Mark T Le

For: CONTROL, SOUND, AND OPERATING SYSTEM FOR MODEL TRAINS

STATEMENT TO DELETE INVENTORS UNDER 37 CFR 1.48(b)

Commissioner for Patents
Washington, DC 20231

Sir:

As originally filed, the above-identified application named Michael Paul Wolf, David L. Krebiehl, Forrest S. Seitz, Stanley K. Sasaki and Scott B. Long as inventors. However, as a result of the Preliminary Amendment filed on September 9, 2002, which cancels claims 1-3, 6-67 and 70-91, Scott B. Long is no longer an inventor of the claimed invention

Accordingly, it is requested that the above-identified application be amended to delete the following originally named inventor, Scott B. Long, from the instant application in accordance with 37 C.F.R. § 1.48(b). The foregoing amendment of inventorship is necessary as a result of the aforementioned Preliminary Amendment filed on September 9, 2002, which cancels claims 1-3, 6-67 and 70-91 from the application. The invention of the above-identified inventor is no longer being claimed in the application.

The USPTO is authorized to charge Deposit Account No. 500417 for the fee set forth under 37 C.F.R. 1.17(i), which is believed to be necessary for entry of the requested amendment to the inventorship.

Respectfully submitted,

MCDERMOTT, WILL & EMERY

for Michael E. Fogarty
for Michael E. Fogarty
Registration No. 36,139

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